Remarks

Claims 1-26 are pending. Claims 1-26 stand rejected by the Examiner. Claims 19 and 23-25 are amended. No new subject matter is added. Claims 1-26 are now pending in the application. Reconsideration and allowance of the pending claims is requested in light of the above amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The applicant traverses the rejections.

Prior to the most recent amendment, the claims referred to a probability on contacting the user by at least one contact device. The specification as filed states: "[m]any voice systems offer a user a 'following' service, where a phone call is received at a central location and then follows the user to a specified contact device or devices. Typically, these services allow the user to designate at what device or devices the system should try contact that user during a specified time frame" (*see* specification page 1, lines 4-7); "[t]he user may end up having the system broadcast to all of the user's contact devices for every call" (*see* specification page 1, lines 19-20); "Figure 1 shows an example of a communications network having a following service. The network device 10 is connected to one or more networks, where the contact devices for the user and the incoming call could all be on the same network or on different networks" (*see* specification page 2, lines 13-15); "[t]he network device 10 is responsible for determining at what contact device or devices the user should be contacted when a call comes in. An example of such a network device is shown in Figure 2. The network device 30 has a first port 32a to allow the network device to receive the incoming call intended for the user. A second port 32b allows the network device to transmit the

contact signal or signals. The two ports may actually be the same port, as the network device may use the same network upon which the call was received to contact the user" (*see* specification page 3, lines 10-16); and "[i]n this particular embodiment, the probabilities for the various devices are determined off-line" (*see* specification page 4, lines 19-20). A person of ordinary skill in the art would have understood, in view of these and other portions of the specification, that a probability of contacting the user by at least one contact device includes the probability of the user answering an incoming call intended for the user at each of a plurality of contact devices. Therefore, the latter limitation is fully supported by the application as filed and does not constitute new matter. Consequently, the applicant respectfully requests that the 35 U.S.C. § 112, first paragraph, rejections of claims 1-26 be withdrawn.

Claims 23-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection refers to inconsistencies in the claims that are fixed by this amendment. Consequently, the applicant respectfully requests that the 35 U.S.C. § 112, second paragraph, rejections of claims 23-25 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horvitz (U.S. Patent No. 6,618,716 B1). The applicant traverses the rejections.

Regarding claim 1, the claim recites "a user interface configured to receive a preference from a user to associate at least one contact device and at least one time slot." The Examiner acknowledges that Horvitz does not teach this feature, but then proposes that

this feature would be obvious in view of Horvitz. The applicant disagrees. The system of Horvitz does not make a probability determination on where to send an alert; it makes a determination on whether to send the alert at all. This determination is based on the probability that the user will want to be burdened with the alert. Therefore, Horvitz's teachings of a user profile only support, at most, a user specifying if they would be receptive to such alerts; not where such alerts should be sent at specific times of day. Thus, this feature is not an obvious extension of the teachings of Horvitz.

Claim 1 further recites "a predictor configured to predict a probability of the user answering an incoming call intended for the user at each of a plurality of contact devices." Again, the Examiner acknowledges that Horvitz does not teach this feature, but then proposes it is obvious in view of Horvitz. The applicant disagrees. The system of Horvitz is not based on where a user will accept an alert; it is based on whether the user would like to receive the alert at all. Therefore, there is no reason for the system of Horvitz to calculate a probability for each of a plurality of contact devices. Consequently, this feature is also not an obvious modification of Horvitz.

For at least these reasons, claim 1 is allowable over Horvitz and allowance is respectfully requested. Dependent claims 2-5 are likewise allowable.

Further regarding claim 2, the claim recites "the probability data comprising a list of associations between contact devices and time slots." The Examiner acknowledges that Horvitz does not teach this feature, but then proposes that this feature is obvious in view of Horvitz. The applicant disagrees. Because Horvitz's probability is based upon whether a user wants to be interrupted rather than where an alert is to be sent, there is no reason for the probability data in Horvitz to include associations between contact devices and time slots.

Thus, the features of claim 2 are not an obvious extension of Horvitz. For at least this additional reason, claim 2 is allowable over Horvitz.

Further regarding claim 3, as acknowledged in the Office Action, Horvitz teaches only a combination mode. However, the Examiner proposes that a preference mode, in which only a user preference is used, is obvious in view of Horvitz. The applicant disagrees. There is absolutely no suggestion in Horvitz that its system can decide whether or not to send an alert based solely on information specified by the user. Horvitz specifically teaches that the profile can (but does not need to) include a user profile that may include information specified by the user. Thus, the system of Horvitz may or may not have user-specified information. Thus, it is not obvious to modify Horvitz so that such information is the sole factor in determining whether or not to send an alert.

Further, the claim refers to a user selecting which type of mode to use. Although not specific, the applicant assumes that the Examiner is also proposing that this is obvious in view of Horvitz. However, there is nothing in Horvitz to suggest this feature. The applicant would like to point out that this creates a third level abstraction and calls it obvious. In the Examiner's view: it is first obvious to modify Horvitz to include contact devices in its user preference; then, because that was obvious, it is now obvious to modify Horvitz so that the system can make a determination based solely on the user preference; and finally, because that was obvious, it is now obvious to have a user interface configured to receive a selection from the user to select the mode. The applicant submits that such reasoning could only be the result of impermissible hindsight and is in no way supported by the teachings of Horvitz.

For at least these additional reasons, claim 3 is allowable over Horvitz.

Regarding claim 6, the claim refers to a probability of a user answering a call, similar to claim 1 above. Consequently, claim 6 is allowable over Horvitz for at least the same reasons as claim 1 above. Dependent claims 7-19 are likewise allowable.

Further regarding claim 8, the claim recites "accessing an indicator specifying at least one of a predictive mode, a combination mode, and a preference mode." The Examiner asserts that this is an obvious modification of Horvitz. The applicant disagrees. There is nothing in Horvitz that teaches or suggests that it can operate in anything other than a combination mode. Therefore, there is no reason in Horvitz to access an indicator specifying which mode to operate in. For at least this additional reason, claim 8 is allowable over Horvitz.

Further regarding claim 9, the claim recites "transmitting the contact signals further comprising determining the at least one device by applying a weighting factor based on the user preferences to the probability." The Examiner asserts that this is obvious because, in Horvitz, the user profile is only one of many factors. The applicant disagrees. Just because Horvitz teaches that its probability is based on many factors, does not mean that it is obvious to apply weights to each of the factors, or more specifically, to the user preference. As an initial matter, Horvitz does not even require that a user-specified preference be included in its probability; it is optional. Therefore, the features of this claim are not obvious in view of Horvitz. For at least this additional reason, claim 9 is allowable over Horvitz.

Further regarding claim 10, the claim recites "transmitting the contact signal to a plurality of contact devices based on at least one of the user preferences and the probability." The Examiner proposes that this is obvious because "a skilled artisan would have been

motivated to designate a plurality of contact devices in their user profile for highly critical messages." However, even if this were taken to be true, it does not teach the claimed feature. Specifically, just because a user of Horvitz's system designates a plurality of contact devices in their profile does not mean that the system is going to send an alert to more than one of the devices. There is nothing in Horvitz to suggest that an alert is sent to a plurality of devices based on either a user preference or the probability. Therefore, the proposed modification does not render the claimed features obvious. Further, as discussed above, the applicant disputes that it is obvious for a user to input a plurality of devices in the user profile of Horvitz. For at least these additional reasons, claim 10 is allowable over Horvitz.

Further regarding claim 13, the claim recites "determining at what contact device the user answers the incoming call." The Examiner proposes that this is obvious because "Horvitz observes the user's response to previous alerts." However, even if this is taken as true, it still does not teach the claimed feature. Specifically, the system of Horvitz monitors the user's response to see if the user responds to the alert or not; not to determine on what device the user acknowledges the alert. In order to do this, Horvitz does not need to determine what device the user responded on; the system of Horvitz already knows what device the user responded on because it already knows where it sent the alert. Thus, there is no reason for the system of Horvitz to determine on what device a user responds to an alert. Thus, this feature is not obvious in view of Horvitz. For at least this additional reason, claim 13 is allowable over Horvitz.

Further regarding claim 14, the claim recites "raising the probability of the contact device at which the user answers the incoming call." The Examiner proposes that this is taught in Horvitz at col. 7, lines 23-26. The applicant disagrees. The cited portion of Horvitz

merely teaches that, in its system, the probability of a user wanting to receive an alert increases if the user has responded previously to similar alerts. However, the probability in Horvitz does not include separate probabilities for separate devices. Therefore, this teaching of Horvitz could not teach raising the probability of a contact device at which the user responds to the alert; it necessarily refers to raising the probability that the user will want to receive the alert independent of any particular device. Consequently, this feature is not taught in Horvitz. For at least this additional reason, claim 14 is allowable over Horvitz.

Further regarding claim 15, none of the features in this claim are taught in Horvitz. As an initial matter, Horvitz does not teach any modes of operation of its system. Therefore, there is no reason for it to query a user about which mode to enter in response to a failure threshold. Further, there is nothing in Horvitz to suggest that its system includes any type of failure threshold or that it even tracks a success rate to compare to such a failure threshold. Horvitz does not even discuss failures at all, other than to suggest that when a user is not responsive to an alert, the probability is decreased. Therefore, Horvitz does not teach or render obvious any of the features of this claim. For at least this additional reason, claim 15 is allowable over Horvitz.

Further regarding claim 16, Horvitz does not teach the features of this claim for essentially the same reasons it did not teach the features of claim 15. Horvitz does not teach any thresholds (success or failure). Further, as discussed above, Horvitz does not teach a separate probability for each of a plurality of contact devices. Thus, Horvitz does not teach the features of this claim and the features are not obvious in view of Horvitz. For at least this additional reason, claim 16 is allowable over Horvitz.

Further regarding claim 17, the claim recites several features that are not taught by Horvitz and are not obvious in view of Horvitz. First, the claim recites "determining a first set of contact devices having a probability of success within a predetermined range." There is nothing in Horvitz to suggest that contact devices are determined based on a predetermined range; the system of Horvitz is based on either sending or not sending an alert based solely on a probability. Second, the claim recites "sending multiple contact signals to contact devices in the first set in parallel." Again, there is nothing in Horvitz to suggest that multiple alerts are sent out in parallel. Further, there would be no reason for this feature in Horvitz because the system in Horvitz already knows where the user is at; it just has to predict whether the user is amenable to an alert at their current location. Third, there is nothing in Horvitz to suggest that it sends another alert if the first one is not responded to. In actuality, if the first alert is not responded to, that probably means the user was not amenable to alerts at that time, so sending another alert would actually be contrary to the teachings of Horvitz. Thus, Horvitz does not teach or render obvious any of the features of this claim. For at least these additional reasons, claim 17 is allowable over Horvitz.

Further regarding claim 18, the claim recites "repeating the determining and sending processes until a success occurs." The Examiner argues that it would have been obvious to keep trying for a critical message. However, this is contrary to the teachings of Horvitz. The whole point of the system of Horvitz is to avoid distracting a user when they do not want to be distracted. Therefore, continuing to send alerts to a user who does not want to be distracted is not within the scope of Horvitz and it is contrary to the teachings of Horvitz. For at least this additional reason, claim 18 is allowable over Horvitz.

Further regarding claim 19, the claim recites "altering at least one of the predetermined range and the next range depending upon successes." The Examiner proposes that Horvitz teaches this feature because it teaches that its probability is updated. However, the applicant would like to point out that the claimed ranges are ranges against which probabilities are compared; not probabilities themselves. Therefore, Horvitz's teachings of updating its probability have no connection to the claimed feature. As discussed above, Horvitz does not teach or suggest any ranges associated with its probability, and thus it cannot teach the features of this claim. For at least this additional reason, claim 19 is allowable over Horvitz.

Regarding claims 20-25, these features contain features similar to those discussed above. Consequently, claims 20-25 are allowable over Horvitz for at least the same reasons discussed above.

Regarding claim 26, the claim refers to a method whereby when a first call transfer attempt fails, a second call transfer is attempted. The Examiner argues that this is obvious in view of Horvitz. The applicant disagrees. As discussed above, it is not obvious to use multiple attempts in Horvitz because this is contrary to the purpose of Horvitz's system. Consequently, these features of claim 26 are not obvious in view of Horvitz.

Further, claim 26 recites other features that are not taught in, or rendered obvious by, Horvitz, as discussed above with respect to claim 1. Therefore, claim 26 is allowable over Horvitz for at least the same reasons discussed above with respect to claim 1.

Finally, the Examiner points out that Horvitz teaches more than one probability and that this corresponds to the claimed first and second probabilities. However, Horvitz actually teaches that its 'probability' can incorporate several probabilities and thus can be considered

a 'probability distribution'. *See* Horvitz col. 6, lines 31-41. Horvitz goes on to teach that this 'probability', whether it is a single probability or probability distribution, is then used to determine how to respond to each alert. *See* Horvitz col. 6, lines 50-55. Nowhere in Horvitz does it teach or suggest that one probability is used for one contact device (or one alert) and that another probability is used for another contact device (or another alert). Thus, this teaching in Horvitz cannot correspond to the claimed first and second probabilities.

For each of these reasons, claim 26 is allowable over Horvitz and allowance is respectfully requested.

No new matter has been added by this amendment. Allowance of all pending claims is requested. Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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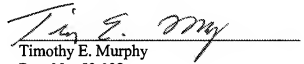

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